IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 40 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PARMANAND CHAMANLAL JOSHI

Versus

MAULIK DEVSHANKER JOSHI

Appearance:

1. Appeal from Order No. 40 of 2000

MR MIHIR H JOSHI for Petitioner No. 1

MS MINI M NAIR for Respondent No. 1

NOTICE SERVED for Respondents No. 2-3,6

NOTICE SERVED BY DS for Respondents No. 4-5

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 05/11/2001

ORAL JUDGEMENT

Heard learned counsel for the parties. This

Appeal is arising out of the impugned order dated 16.12.1999 passed by the learned Trial Judge below Ex.76 in regular Civil Suit No.2541/81 whereby the Chamber Summons taken out by the appellant-defendant No.3 for removal of defendant No.4-Maulik Devshanker Joshi appointed as one of the receivers of the suit was dismissed.

On this appeal as well as Civil Application notice was ordered to be issued and later on appeal was admitted, but no interim relief was granted.

Considering the peculiar facts and circumstances of the case and that the main Regular Civil Suit is of old suit of 1981, therefore, I am of the considered opinion that without going into legality and validity of the impugned order passed by the learned Trial Judge this appeal may be disposed of by directing the learned Trial Judge to decide the main Regular Civil Suit No.2541/81 as early as possible.

Accordingly, this appeal is disposed of with a direction to the learned Trial Judge to decide main Regular Civil Suit No.2541/81 as early as possible and not later than 31.10.2002. Parties shall fully cooperate with the final disposal of the suit. They shall not ask for unnecessary adjournments before the trial court. The trial court shall try its best to dispose of the suit as directed earlier because it is an old suit of 20 years and he shall not ask for further extension of time.

(B.J.Shethna, J.)

*Pvv